

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

(1) CURTIS M. COLLINS SBI-314128  
(Name of Plaintiff) (Inmate Number)

S.C.I. STATE PRISON P.O. BOX 500  
Zip 19947 (Complete Address with zip code)

(2) \_\_\_\_\_  
(Name of Plaintiff) (Inmate Number)

\_\_\_\_\_  
(Complete Address with zip code)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

vs. ET. ALL  
(1) RICK KEARNEY (WARDEN)  
(2) Sgt. JAMES CHANDLER  
(3) SOBEREZINSKY  
(Names of Defendants)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

- 0 5 - 7 3 9

(Case Number)  
( to be assigned by U.S. District Court)

**CIVIL COMPLAINT**

• • Jury Trial Requested



**I. PREVIOUS LAWSUITS**

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

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II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • Yes • • No
- C. If your answer to "B" is Yes:

1. What steps did you take? I FILED INMATE-GRIEVANCE

2. What was the result? NOT GRIEVANCEABLE AND REJECTED

- D. If your answer to "B" is No, explain why not: \_\_\_\_\_

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: RICK KEARNEY

Employed as WARDEN AT S.C.I. at STATE PRISON

Mailing address with zip code: P.O. BOX 500 GEORGETOWN-DEI

ZIP 19947

(2) Name of second defendant: S.G.T. JAME-CHANNICK

Employed as CORRECTIONAL at STAFF. S.G.T.

Mailing address with zip code: P.O. BOX 500 GEORGETOWN-DEI

(3) Name of third defendant: \_\_\_\_\_

Employed as \_\_\_\_\_ at \_\_\_\_\_

Mailing address with zip code: \_\_\_\_\_

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. WARDEN THIS PERSON KNOWS how LORR STAFF  
TREAT INMATES AND FULLY-AWARE how OFFICERS  
ARE-KNOWING TO BEAT INMATE WITHOUT CAUSE  
AS many cases has happened in the past  
(Sgt) stood by as fellow officers, Beat  
inmate Down while in handcuffs and  
2. (Sgt) Did nothing to Stop inmate from  
Getting Beat up By fellow officers and  
by doing this (Sgt) Allowed inmate to  
recieve unnecessary injuries. C/o Berezinsky  
3. punched me in my face, kicked me to the  
Floor, I hit my face on the hard floor and  
Suffered hip and neck injuries <sup>and Fractured Ribs</sup> all awhile when  
I was in handcuffs they beat me up  
For No reason.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Inmate would like to see the Defendant  
properly Sanction for what they did. Also  
the plaintiff is seeking money in the  
Sum of 500,000 thousand dollars, for pain  
and suffering and mental distress. Medical  
Neglect Because medical refuse to treat me  
for my injuries.

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2. I Fear For my Safety That with fileing  
this complaint, I place my Self in Danger  
or Retaliation for Filing said complaint I  
ask the courts if anything happens to me  
I ask the courts to put this on Record  
IN CASE Should something happen to me.
- 3.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10 day of 18, 2005.

Curtis Wells  
(Signature of Plaintiff 1)

\_\_\_\_\_  
(Signature of Plaintiff 2)

\_\_\_\_\_  
(Signature of Plaintiff 3)

# United State District Court District of Delaware

CURTIS COLLINS  
VS.

Civil - Action

1983 Form - Complaint

Continued.

Warden Et. Al  
Defendants

1. RICK KEARNEY

2. SGT JAMES CHANDLER

3. Berezinsky

4.

Civil Action on Above Defendants

Now comes the Above plaintiff with the complaint  
At Hand on 8-6-05 plaintiff did receive unnecessary  
injuries during Breakfast. The plaintiff Asked A couple  
of inmates to slide down the trays so plaintiff  
could sit down. Where as officer (Berezinsky) reacted  
in A Very unprofessional manner by using Profanity  
stating Shut the "F" ~~\*\*\*~~ up and throw your "f,ing"  
tray (Food) Away. The plaintiff asked officer why did  
He had to throw plaintiff's food tray Away? Now the  
Plaintiff understands and knows that their is  
no talking in the chow hall. However if officers  
was doing their jobs and to make sure that  
there was eight (8) people to A table the plaintiff  
would not have opened his mouth in the chow  
hall. And only did so because there was no one



(2)

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At said table. Therefore officer wrongly Accused The plaintiff of talking. Office Approaches the plaintiff in A Very unprofessional manner AND made plaintiff throw his food tray Away. So plaintiff obeyed the direct order, to throw his tray away. Then plaintiff Approaches Sgt James Chandler in a respectful manner and asked why the plaintiff couldn't finish his meal. So Sergeant Chandler did not respond to plaintiff because he did not want to go Against his officers. As plaintiff was speaking to the Sgt, C/O Berezinsky became very perturbed because plaintiff was talking to the Sgt about what was transpiring. So As plaintiff was leaving the chow hall officer Berezinsky said something smart to plaintiff. As plaintiff turns around in the chow hall to face C/O Berezinsky to hear what he had to say. He came running towards plaintiff in the chow hall. As plaintiff stood still, he The C/O punched the plaintiff in his face, While others (officers) assisted C/O Milligan and C/O Daisey. And to the best of my knowledge C/O Irvin Johnson, They pushed the plaintiff out of the chow hall and slammed plaintiff up against the wall near the Grievance Box And they had me in a hand cuffed position And I did not resist at any given time. Then they slammed the plaintiff to the floor using Brutal force. And then I was Apprehended then they

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③

AND proceed to punch AND kick plaintiff which made NO SENSE BECAUSE plaintiff was no threat. At this time plaintiff was in hand cuffs and then they took plaintiff to ASDA Holding Cell and At that time they denied plaintiff medical Attention, which I know I needed Because Such Pain IN my Rib Area. After Complaining About my pain They Brought a nurse that was short, and mean to ASDA Holding Cell. which she did not examine plaintiff at all. She said nothing was wrong with plaintiff. Then they placed plaintiff in asda 1. AND plaintiff went approximately Forty Seven (47) days Before receiving medical Attention. upon receiving medical Attention I had exrays taken, which indicated I had fractured Ribs and ALSO had several witnesses that will verify all of this happened to plaintiff. The plaintiff filed many Inmate Grievance Forms that were denied. Therefore there is no inhouse Remedies left. The plaintiff has received no help in finding Resolve with this complaint. The plaintiff comes to this Honorable court for help. In seeking restitution for pain and suffering and mental distress, Plaintiff is also seeking some form of disciplinary actions against the officers that are involved. The plaintiff is also seeking damages as for pain and suffering in the sum of \$500,000 dollars. Not only has the Plaintiff suffering unnecessary injuries such as fractured Ribs a Bloody lip and was kicked

(4)

Several times and plaintiff has injured wrist, AND was Beat up while handcuffed and Also is having eye trouble from pepper spray AND to this very day. The plaintiff's pain from the above injuries during Correctional Staff Beating up on the plaintiff. This Alone is inviolation of the plaintiff Eighth (8) Ammendments' Rights as for cruel and UNUSUAL punishment. This Alone is UNCONDITIONAL AND UNPROFESSIONAL on their part.

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THE PLAINTIFF HAS Filed A Number OF INHouse COMPLAINTS AS FOR THE FOLLOWING Inmate Grievances

1. EXHIB - A

Inmate Grievance Filed on AUG. 8, 2005 3 PAGES NO Action TAKEN And OR Denied AS FOR 4.4 Grievance will NOT PLACE DISPLINARY ACTION Against Any STAFF.

2. EXHIB - B

PLAINTIFF Filed Another Inmate Grievance And Is seeking some Form RESTITUTION In The Amount OF \$500,000 — DOLLARS And some Form OF DISPLINARY ACTION To Those THAT CAUSED PLAINTIFF Bodily HARM. THIS Grievance was Also Denied on 10-17 / 2005. And Therefore The PLAINTIFF HAS NO OTHER choice BUT TO Bring This To The courts TO HAVE This COMPLAINT Addressed AS soon AS possible,



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## CERTIFICATE OF SERVICE

I, CURTIS M COLLINS, hereby certify that I have served a true and correct copy of the attached 1983 Form / COMPLAINT upon the following person/s below:

	<u>NAME</u>	<u>STREET</u>	<u>ATT:</u>	<u>CITY/STATE/ZIP</u>
(WARDEN)	<u>RICK KEARNEY</u>			
(SGT.)	<u>JAMES CHANDLER</u>			
(CLERK)	<u>BERZINSKY</u>			

(All persons are employed AT The same Address Below.)

500, Georgetown DE. 19947

Copy also sent to clerk of courts

U.S. District Court, Lock Box 18, 844 N. King Street

Wilmington, DE. 19801

By placing same in a sealed, postage pre-paid envelope and depositing same in the United States Mail at Sussex Correctional Institution, P.O. Box 500, Georgetown, Delaware 19947.

This 10 day of 18, 2005.

X Curtis Collins

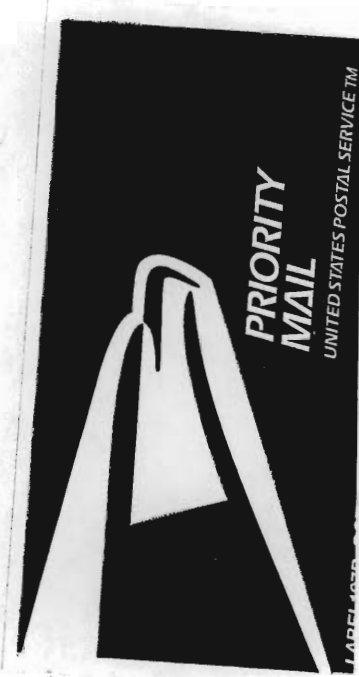
2005-11-18

I/M: CURTIS COLLINS BLDG. MSB.  
SUSSEX CORRECTIONAL INSTITUTION  
P.O. BOX 500  
GEORGETOWN, DELAWARE 19947

CLERK

U.S. District Court  
Lock box 18  
844 N. King Street  
Wilmington, DE  
19801

X-RAY  
M.S.B.



X-RAY  
M.S.B.